

ED-1604
CD

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

Docket No. FD 35237

City of Davenport, Iowa—Construction and Operation Exemption—In Scott County, Iowa

February 8, 2011

**TO: Rachel Campbell, Director
Office of Proceedings**

**FROM: Victoria Rutson, Director
Office of Environmental Analysis**

RE: Supplemental Environmental Recommendations

**Cc: Joe Dettmar
Marc Lerner
Sarah Fancher**

**SURFACE TRANSPORTATION BOARD
OFFICE OF ENVIRONMENTAL ANALYSIS**

Docket No. FD 35237

**City of Davenport, Iowa—Construction and Operation Exemption—In Scott County, Iowa
Supplemental Environmental Recommendations**

BACKGROUND

On July 21, 2009, the City of Davenport filed a petition with the Board seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10901 to construct an approximately 2.8-mile rail line in southern Eldridge, northern Davenport, and an unincorporated area of Scott County, Iowa,¹ and OEA issued environmental recommendations for this proceeding in January 2010. Since that time, the City of Davenport modified a portion of the proposed rail alignment, and OEA participated in a reevaluation of the project. The purpose of this document is to summarize the recent developments in this proceeding and provide supplemental environmental recommendations to the Board. This information does not change OEA's previous environmental findings, and we continue to recommend 3 mitigation conditions, as set forth below.

OVERVIEW

OEA issued a Review of Environmental Matters and Final Environmental Recommendations (Review) for this proceeding on January 28, 2010. In the Review, OEA provided the Board with environmental recommendations associated with the City of Davenport's proposal to construct and operate an approximately 2.8-mile rail line, and OEA recommended that the Board:

1. Adopt the March 17, 2008 Environmental Assessment (EA) that was prepared by the U.S. Federal Highway Administration (FHWA) and the City of Davenport, pursuant to 40 C.F.R. § 1506.3;
2. Approve construction and operation of the City of Davenport's preferred alternative; and
3. Impose the following environmental mitigation measures in any decision granting the City of Davenport the authority to construct and operate the proposed rail line:
 - The Airport Layout Plan showing the rail alignment and the Agreement between the City of Davenport and the Davenport Airport Commission shall be amended and submitted to the Federal Aviation Administration (FAA), and the City of Davenport

¹ By letter filed September 9, 2009, the City amended the petition by a request for operating authority.

shall submit to the FAA, and receive approval of, a Notice of a Proposed Construction or Alteration for Objects Affecting Navigable Airspace.

- The City of Davenport shall apply to, and receive approval from, the Iowa Department of Natural Resources for the National Pollutant Discharge Elimination System for the disturbance of more than 1 acre of land; and
- The City of Davenport shall acquire a new right-of-way for the project, in accordance with the Uniform Relocation Assistance and Real Property Acquisition Act of 1970, as amended.²

Approximately 7 months after OEA issued its Review and before the Board issued a decision regarding the rail line construction and operation proposal, the City of Davenport notified OEA of a change in the proposed rail alignment; the curve at the eastern end of the proposed line would need to be reduced in order to adequately handle the transport of large and extra-large cargo used to build wind turbines. In view of this change, the City of Davenport invited the Board to be a cooperating agency in the preparation of a Supplemental EA pursuant to 40 C.F.R. § 1501.6. OEA accepted the invitation on behalf of the Board and, in cooperation with FHWA, the Iowa Department of Transportation (Iowa DOT), and the City of Davenport, conducted a reevaluation of the project.³ This review of the modified rail alignment, including its potential environmental impacts, resulted in a determination that a Supplemental EA is not necessary and, therefore, FHWA's July 8, 2008 Record of Decision and Finding of No Significant Impact remain valid. The findings are presented in more detail below.⁴

DESCRIPTION OF THE MODIFIED RAIL ALIGNMENT

The proposed project, known as the Eastern Iowa Industrial Center Rail Project, would provide freight rail service to the Eastern Iowa Industrial Center (EIIC), an industrial park located in the northeast quadrant of the Interstate 80 and Northwest Boulevard interchange. The purpose of the proposed project is to provide a rail connection between the EIIC and the Eldridge Line of the Iowa Chicago & Eastern Railroad (IC&E),⁵ as well as to promote economic development in the area.

Similar to the City of Davenport's original proposal, the modified alignment would consist of approximately 2.8-miles of new track. The rail line would begin at the Blackhawk Road crossing on the IC&E, then curve to the west through Eldridge Industrial Park and Commercial Development, cross First Street into agricultural land, turn south through

² 42 U.S.C. §§ 4601-4655

³ When changes to a proposed action could result in new or different environmental impacts, a reevaluation can determine whether the approved environmental documents remain valid or whether supplemental documentation is required.

⁴ Maps of the modified rail alignment and a table presenting the potential environmental impacts are attached.

⁵ IC&E is now controlled by the Canadian Pacific Railway Company and has been operated as part of its system since October 30, 2008. Canadian Pacific Railway Company, et al.—Control—Dakota, Minnesota & Eastern Railroad Corp., et al., FD 35081 (STB served Sept. 30, 2008).

agricultural land, and would end at the EIIC. The original alignment was configured with an 11-degree turning radius at the eastern end of the line; however, engineers have determined that this turning radius would be too severe to adequately handle the transport of large and extra-large cargo, such as components shipped for the wind industry. Accordingly, the eastern end of the proposed line would need to be configured with an 8-degree turning radius.

POTENTIAL ENVIRONMENTAL IMPACTS

FHWA, Iowa DOT, the City of Davenport, and OEA conducted an assessment of the proposed design change and determined that the modified rail alignment would cross 4 parcels of land that were not included in the original study area. However, while the modified rail alignment would require 6.24 additional acres of land for the right-of-way, no new property owners would be affected and farmland impacts would be reduced by approximately 2.8 acres. Additionally, in the event the proposed project is authorized, land acquisition for the modified rail alignment would affect 1 building, an abandoned warehouse.

The modified alignment was also evaluated for potential impacts to historic and cultural resources. FHWA, as the lead federal agency on this project, consulted with the Iowa State Historical Society of Iowa (State Historic Preservation Office or SHPO) pursuant to Section 106 of the National Historic Preservation Act,⁶ and based on all available information, FHWA determined that no historic properties would be affected by the proposed rail line construction and operation.

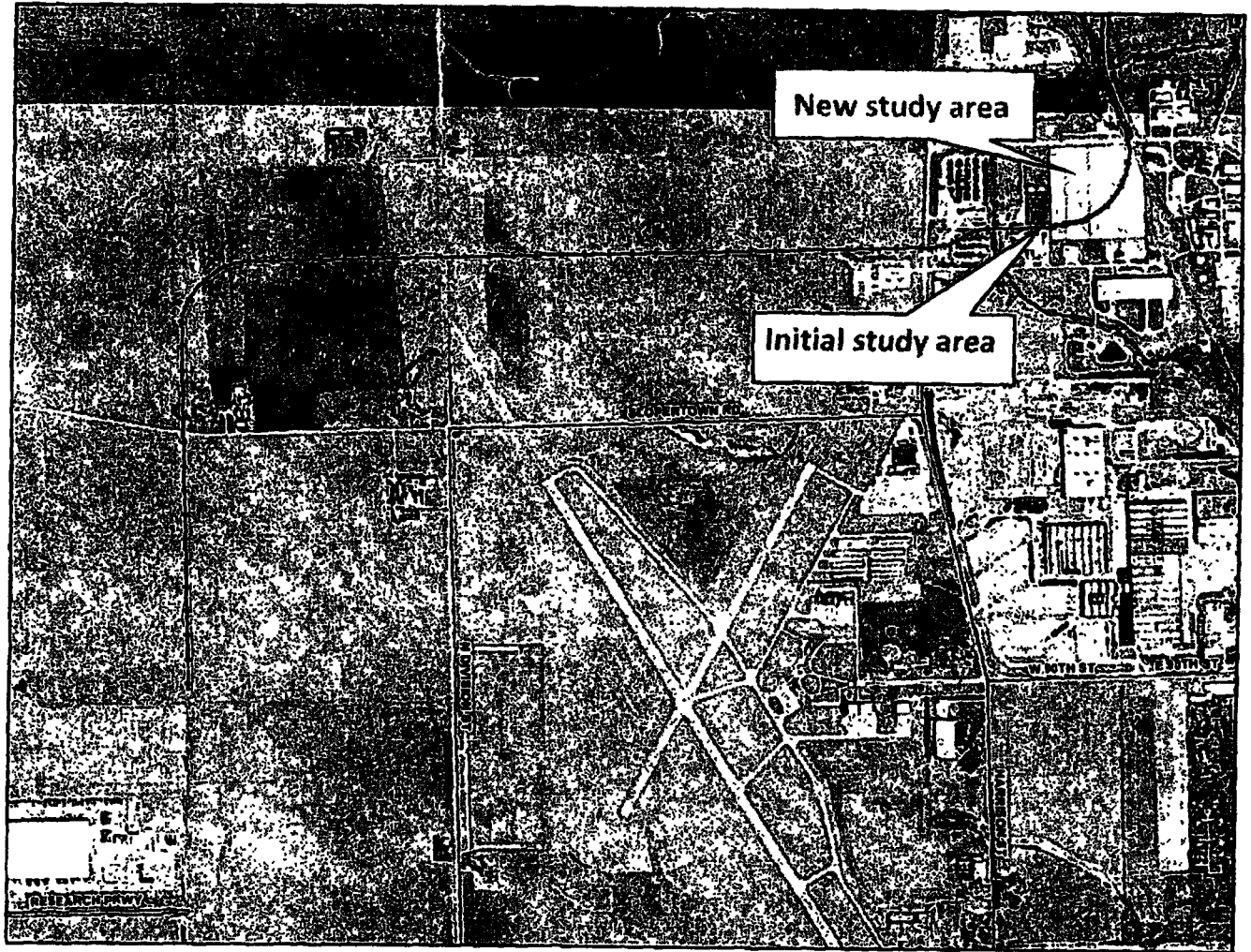
Taking into account the anticipated environmental impacts of the original rail alignment and the potential impacts of the modified rail alignment, the change to the proposed project would not be substantial. Accordingly, in December 2010, FHWA determined that the City of Davenport's proposal to construct the eastern end of the rail line with an 8-degree turning radius would not require the preparation of a Supplemental EA.

CONCLUSION

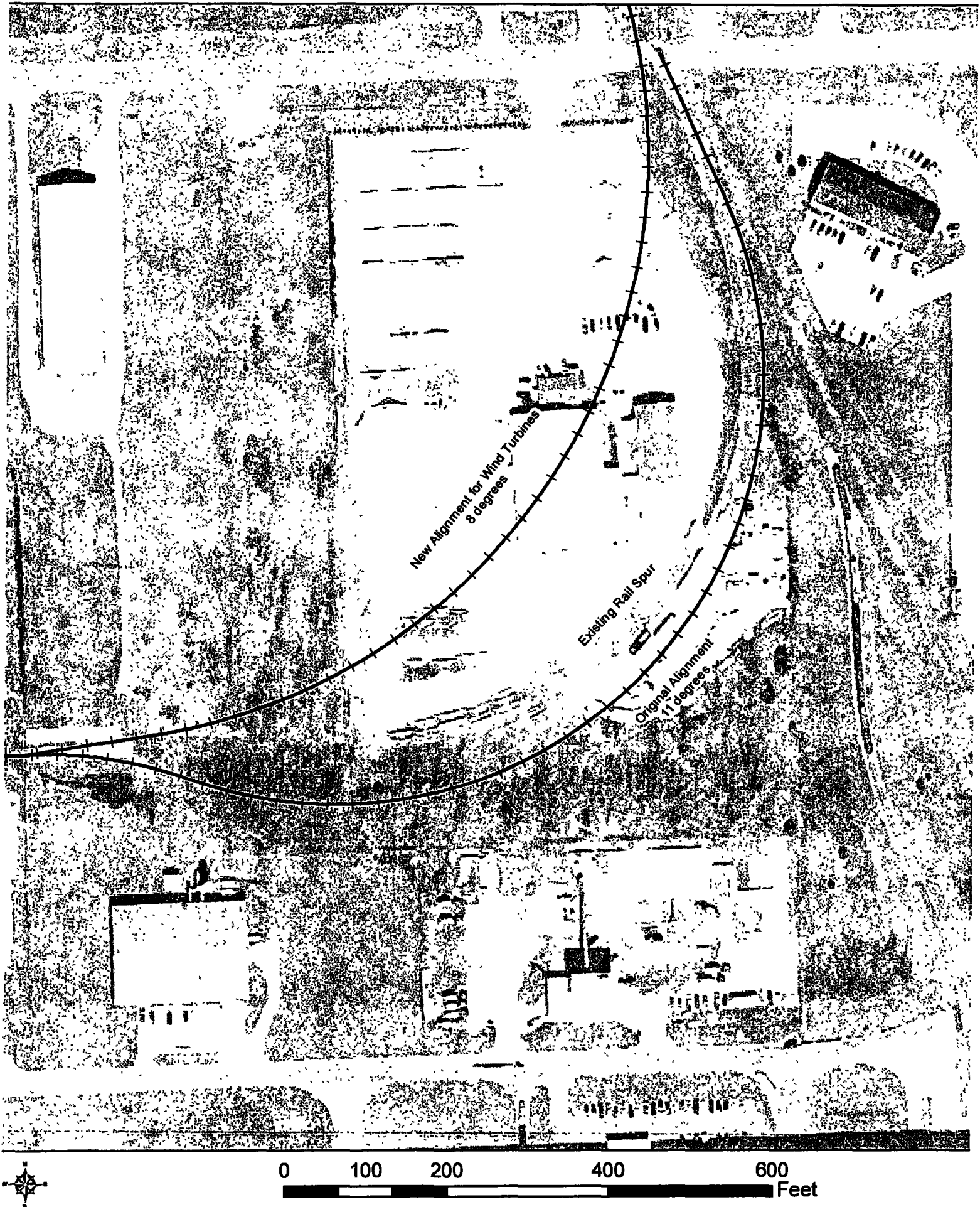
After assessing the City of Davenport's proposed alteration of the alignment, OEA concurs with FHWA's conclusion that the information in the record is adequate and no supplemental or additional environmental review is required. Accordingly, OEA recommends that the Board impose the above-listed conditions, as modified by the information in this document, upon any decision granting the City of Davenport the authority to construct and operate.

⁶ 16 U.S.C. § 470f.

Project Map



Eastern Iowa Industrial Center Rail Spur



Summary of Impacts for Build and No-Build Alternatives

	Original Rail Alignment	Modified Rail Alignment	No-Build Alternative
Length km (mi)	4.51 (2.8)	4.51 (2.8)	0
Total Right-of-Way Required acres	16.394 (1.78 temporary construction easement)	22.6324 (2.3903 temporary construction easement)	0
# of Properties Affected	12	16 parcels 12 property owners	0
# of Businesses Affected	6	6	0
Residences Displaces	0	0	0
Farmland Impacted acres	17	14.2124	0
Water Quality Impacts	BMPs implemented for erosion control	BMPs implemented for erosion control	None
River and Floodplain Crossings	Crossing over Crow Creek	Crossing over Crow Creek	None
Archaeology Impacts	None	None	None
Historic Properties Affected	None	None	None
Air Quality Impacts	Reduction of pollutants including VOC and NOx	Reduction of pollutants including VOC and NOx	None
Noise Impacts	Increase in dBA at two residences, both to remain under 67 dBA	Increase in dBA at two residences, both to remain under 67 dBA	None
Regulated Material Impacts	Removal of metal and arsenic contaminated soil	Removal of metal and arsenic contaminated soil	None
Land Use Impacts	Increased industrial development of area surrounding project corridor	Increased industrial development of area surrounding project corridor	Future industrial development planned